A

SHORT VIEW

OF THE

POSSIBILITY AND ADVANTAGES

Of DRAINING, DIVIDING AND ENCLOSING

OTMOOR.

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WITH SOME

PROPOSALS

Submitted to the Conſideration of

The Right Honourable the Earl of *Abingdon*,

And the other PROPRIETORS.

By ALEXANDER CROKE, Esq.

——— *Quique paludis*
Collectum humorem bibulâ deducit arenâ.
Præſertim incertis ſi menſibus amnis abundans
Exit, et obducto latè tenet omnia limo.

VIRG.

Few politicians, with all their ſchemes, are half ſo uſeful members of a commonwealth, as an HONEST FARMER; who, by ſkilfully DRAINING, FENCING, MANURING, and PLANTING, hath increaſed the intrinſic value of a piece of land; and thereby done a *a perpetual ſervice to his country.*

SWIFT.

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OTMOOR.

IN the courſe of laſt ſummer, having had a ſurvey and valuation taken of my eſtate at Studley and Horton, the extenſive common of Otmoor, of which my tenants partake jointly with their neighbours, would naturally come under conſideration. As it ſeemed probable that ſo large a track of waſte ground was capable of improvement, I employed ſome perſons, well ſkilled in that kind of buſineſs, to examine the ſituation and nature of the land. It appeared, from their report, that it was very practicable to lay the Moor dry, and that the

the ſoil was in itſelf extremely good, and would amply repay any labour beſtowed upon its better cultivation. The reſult of theſe enquiries I have taken this method of communicating to all perſons concerned; in hopes that, if they are convinced of the advantages which would ariſe from draining and dividing, and I think there are ſufficient grounds to convince them, they will readily unite in carrying ſome equitable plan for that purpoſe into execution.

As to my own part, I have no intereſt in the matter but in common with the other proprietors. I am neither an attorney, a ſurveyor or a commiſſioner, or of any other trade or profeſſion which can poſſibly be benefited by the *job*. It will reſt with the proprietors at large to chooſe ſuch perſons of that deſcription to conduct it as they think proper; wherever their choice ſhall fall will be to me totaliy immaterial. I have already been at a conſiderable expence, and whether the buſineſs goes forward or not ſhall never be reimburſed; nor do I wiſh to be —ſufficiently happy if any pains I have taken ſhould contribute to bring about a meaſure which I am convinced would be a benefit to all parties; and I ſhould think myſelf enough rewarded by my ſhare of the general improvement. As my own eſtate is the largeſt of any that have right of common at Otmoor *, I hope I ſhall avoid the cenſure of *intermeddling*

* The proportional value of the Otmoor eſtates may be eſtimated from the land-tax aſſeſſments, though not with perfect accuracy,

meddling officiouſly in what I am not concerned, and that I may ever venture, without any great degree of impropriety, to ſubmit ſome propoſals to the conſideration of the lord of the manor and my brother commoners.

The extent of Otmoor, as near as can be aſcertained, is about *four thouſand* acres. The Earl of Abingdon is lord of the manor. In this capacity he holds a court, appoints a game-keeper, is intitled to the firſt day's fiſhing, the waifs and eſtrays, and other manerial perquiſites. The towns which have a right of common were originally ſeven, but, one of them having been ſubdivided about thirty years ſince for the greater convenience of maintaining their poor, the number of diſtinct hamlets is at preſent eight. That is to ſay, Beckley, which is the head town, Horton with Studley in Oxfordſhire, Studley in Bucks with Whitecroſs Green, (in the Pariſh of Beckley) Noke, Oddington, Charlton, Fencott and Moorcot, which two laſt towns are hamlets in the pariſh of Charlton. The advan-

accuracy; yet near enough for general purpoſes. The ſums charged are as follow:

	£.	s.	d.
The Earl of Abingdon for Beckley and Horton, including Mr. Richard Bertie's Farm	63	2	11
The Duke of Marlborough for Noke — —	43	6	0
Blewbury Charity, at Noke — — — —	81	4	0
Sir Hen. Daſhwood, at Oddington — — —	27	18	0
—— Sawyer, Eſq. ditto — — — — —	54	19	8
Alexander Croke, Studley and Horton — —	111	8	0

None of the other Proprietors pay more than 20*l.*

tages,

tages, however, which any of them derive from their commons at preſent are but ſmall. The floods continue in wet ſeaſons the greateſt part of the year, and during this time the moor is totally unfit for paſturage. When the water is gone off, the mud and moiſture render it extremely unhealthy for cattle; ſheep are much ſubject to the rot, and the larger cattle are frequently viſited by an epidemical diſtemper called the *Moor-evil*. This diſorder is ſo fatal, that many farmers rather chooſe to forego the benefit of the common, than, by putting on their beaſts, run the riſk of loſing them entirely. Many abuſes prevail in the manner of commoning. The ground is always greatly overſtocked; for, as there is no ſtint, every man puts in all the cattle he can muſter, without any regard to the ſize of his farm. They who have none of their own bring in large flocks and herds of agiſtments. Farmers who have large concerns in diſtant places frequently rent ſome ſmall matter, perhaps only a cottage, in one of the Otmoor towns to give them a right of common, and under this colour bring on their whole ſtock of 3 or 4 hundred ſheep and 40 or 50 head of cattle.

From all theſe cauſes the Moor, though ſo extenſive and naturally a good ſoil, is but of little ſervice to the landholders and farmers, and all ſenſible and judicious men have long thought it high time ſomething ſhould be done to put matters on a better footing.

Two things are neceſſary for this purpoſe, draining and dividing.

It

It happens fortunately that this ſpot is ſo conveniently ſituated that the water may be drained off ſeveral different ways. Through one ſide of the Moor runs the river Ray, which joins the Cherwell juſt beyond Iſlip bridge; and though this little ſtream is the occaſion of all the miſchief by overflowing its banks, we ſhall ſee preſently that it is capable of being converted into an effectual remedy. Acroſs the Cherwell, near Wood Eaton, below the junction, is a dam belonging to a fiſhery, which raiſes the water above upwards of five feet, and conſequently the river below Wood Eaton is five feet lower than where it is joined by the Ray.

From this ſituation of things there are ſeveral different methods by which the Moor may be laid dry.

It might be done by cutting a canal through the low grounds near Noke and the bottom of Iſlip plain to communicate immediately with the Cherwell, below the fiſhery and near Wood Eaton. This drain would have a fall of upwards of eight feet and could not fail of ſucceeding. This is an old idea, but it appears, on examination, that the ground between the Moor and the Cherwell, in this direction, riſes very conſiderably, and that the expence of making the cut and purchaſing the land would amount to too large a ſum of money to make it practicable.

The ſame object might be accompliſhed by purchaſing the fiſhery, which is of inconſiderable value, and removing the dam. The Cherwell, where the

Ray joins it, would then be upwards of five feet lower than at preſent, and conſequently the deſcent down the Ray would be ſo much increaſed.

But, without having recourſe to either of theſe extraordinary operations, it appears, from an actual level which has been taken, that the Ray itſelf, if properly cleanſed and embanked, would ſufficiently anſwer the purpoſe of draining. This level was taken by the ingenious Mr. Weſton, who is well known in this country by the new road at Gosford bridge and a variety of other works, and is at preſent engaged in finiſhing the Oxford canal. As this gentleman's judgment cannot be doubted, I ſhall here introduce, at length, his plan and eſtimate. For the ſums here mentioned he is himſelf willing to undertake and compleat it.

" Samuel Weſton's Propoſals for draining Otmoor into the river Cherwell near Iſlip.

From the river Cherwell to the ſouth-weſt end of Otmoor near Oddington there is a riſe of three feet ſix inches, and the length is one mile ſeven furlongs and three chains; I propoſe to preſerve the level from the Cherwell to the entrance of Otmoor, and to widen the river Ray ſo as to make it forty feet wide at top; with the earth that is dug out to embank the ſides of the river, which will prevent it from overflowing the meadows. From the entrance of Otmoor near Oddington to the north end near Charlton, I propoſe widening the river Ray, ſo as to make it forty feet at top, and the depth to be four

four feet under the ſurface of the land, the ſides to be banked ſo as to confine the rivers within bounds in the higheſt floods; the total length of this part is one mile ſeven furlongs and two chains. From the river Ray I purpoſe to cut ~~the~~ 3 branches along the loweſt parts of the Moor, theſe branches to be 20 feet wide at top and four feet deep, the ſides to be embanked, ſluices to be fixed acroſs the banks, to let the rain water that falls on the Moor into the branches, the length of the three branches will be about three miles, two furlongs and four chains; I apprehend the above drains will be found adequate to keep the Moor perfectly free from water, and to confine the greateſt floods within the banks.

	£.	s.	d.
To deepening, widening, and taking off the turns of the river Ray, from the Cherwell to Otmoor; width at top 40 feet, depth 4 feet, total length 1 mile, 7 furlongs, 3 chains —	606	13	0
To deepening, widening, and taking off the turns, of the river Ray, acroſs Otmoor to Charlton, breadth at top 40 feet, depth 4 feet, total length 1 mile, 7 furlongs, 2 chains —	570	3	0
To cutting three branch drains, in the loweſt parts of the Moor, breadth at top 20 feet, at bottom 12 feet, depth 4 feet. Total length 3 miles, 2 furlongs, 4 chains — — —	535	17	8½
To making ten ſluices acroſs the banks — —	100	0	
	£. 1812	13	8½

Having thus ſhewn that the Moor may be drained to a certainty for the ſum of 1812*l.* the next thing to be conſidered is in what manner it may afterwards be turned to the greateſt advantage. And this I imagine would be by ſome plan for an equitable diviſion,

viſion, which ſhould provide for the claims of all who have any right.

Under this idea then I propoſe,

Firſt, That a certain portion ſhould be allotted to the Earl of Abingdon as an acknowledgment of his being lord of the manor, and a compenſation for any perquiſites he might loſe by a diviſion.

Secondly, That an acre of land, more or leſs according to the average value of an acre, taking the whole Moor together, ſhould be allotted for every cottage houſe, as an equivalent for their keeping geeſe and collecting fuel.

*Thirdly, That the remainder ſhould be divided into as many ſhares as there are diſtinct townſhips or hamlets having right of common; the ſize and value of the ſhares to be determined by, and proportioned to, the annual value of the land belonging to each reſpective townſhip or hamlet. So that if the annual value of one townſhip ſhould amount to £1000. a year, and that of another to £500. only, the allotment to the firſt townſhip would be juſt double that of the ſecond, and ſo in proportion *.*

Fourthly,

* To expreſs the manner of ſettling theſe propoſitions with preciſion, we muſt ſay, that, as the value of the rents of one given townſhip is to the amount of the rents of all the townſhips: ſo is the value of the ſhare of the Moor to be allotted to that townſhip to the value of the whole Moor.——The moſt exact way of finding the value of the townſhips would be to have them ſurveyed; but as this would be expenſive, it would be ſufficient to determine

Fourthly, That each townſhip ſhould be left entirely at liberty to do what they pleaſe with their allotment, and to purſue ſuch methods as they think beſt to render their ſhare moſt beneficial to them.

Fifthly. If any townſhips chooſe to encloſe and further ſubdivide their allotment amongſt the reſpective inhabitants and proprietors, either with or without any other common field, land or commons, or to eſtabliſh any other regulations as to the manner of occupation, they might have proper clauſes introduced in the general act for that purpoſe.

As to the expences of obtaining and executing the act of parliament, of draining and dividing, and all other charges, ſeveral methods might be pointed out for defraying them.

The commiſſioners might be empowered to ſell ſo much of the Moor as would pay the whole. But, in my opinion, this would be a great loſs to the proprietors; becauſe by ſelling the land in its preſent unimproved ſtate a large track of ground would produce but a ſmall ſum of money.

Another method is that of borrowing money under the act of parliament and charging the land with the payment of the intereſt. This is frequently done upon incloſures, turnpikes and other public works, and ſeems particularly eligible in this caſe

determine their reſpective proportions from the rents of the farms, which might be known by examining the landholders and tenants, and inſpecting the land-tax and parochial aſſeſſments.

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in many reſpects. The expence would ſcarcely be felt, as no proprietor need advance a ſingle ſhilling in the firſt inſtance. The intereſt would be divided amongſt ſo many people that each man's ſhare would be trifling, and the profits of the improvements would come in every year to enable him to pay it. Many of the eſtates in queſtion are held on leaſes or are copyholds for lives, and it would not be reaſonable for the life-holders, eſpecially ſuch as hold by a ſingle life, to be at any great charge; but by this method they would only have to pay a very ſmall yearly contribution as long as they continued in poſſeſſion of the eſtate; during which time they would enjoy all the advantages of incloſing. Every man would contribute to the expences only in proportion to his intereſt in his eſtate.

I have endeavoured to aſcertain, as near as the nature of the thing will admit, the probable expences of this buſineſs. It is impoſſible I know to reduce them to a certainty, becauſe they muſt neceſſarily depend on a variety of accidental circumſtances. But from what I can diſcover from the intelligence of thoſe who have been concerned in other incloſures they would be nearly as follows:

	£.		
The act of parliament might be obtained for about	300	0	0
The attorney's attendance on the commiſſioners and the award might be laid at — — — —	100	0	0
The commiſſioners ſhould be as few as poſſible— ſuppoſe five at 100*l.* each — — — — —	500	0	0
The ſurvey, 4000 acres at 1s. an acre — — —	200	0	0
Labourers and ſurveyor's attendance on the commiſſioners — — — — — — — —	100	0	0
Qualifying including labourers — — — —	100	0	0
Add for incidental expences — — — —	40	0	0
Total expences of obtaining and executing the act	1340	0	0
The fencing would be about 5 miles, which, at 1s. 6d. a yard, the common price, is — —	660	0	0
Mr. Weſton's eſtimate for draining — — —	1800	0	0
Total	3800	0	0

According to this calculation, the whole of the expences of draining and dividing, in the manner I have propoſed, would amount to the ſum of £3800. I believe moſt of the articles are charged high enough; but, as it would be wrong to deceive ourſelves by ſetting the charges too low, we will add the round ſum of £1450 to ſupply deficiencies, and as a ſurplus for contingent events, and take the whole of the expence at £5250, the intereſt of which, at 5 per cent. is £262 10*s.*

Theſe at firſt ſight, I own, are large ſums; but if we conſider the great number of perſons who are to contribute to make them up, they will ſoon appear to fall very light on individuals. The amount of the rents of all the Otmoor towns, taken together, is about £7000 a year, and if we divide this intereſt (£262 10*s.*) by theſe rents, it will be found

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to amount to only 9*d.* in the pound. So that for the trifling tax of 9*d.* in the pound, it appears that Otmoor may be laid dry, and divided into the different townſhips.

As the payment of the intereſt would be ſo ſmall, I think we might go one ſtep further, and advance a little annual contribution towards the diſcharge of the principal. Suppoſe 5 per cent. which would be another 9*d.* in the pound. This would indeed advance the yearly tax to 1*s.* 6*d.* in the pound; but then all the debt, principal and intereſt, and all charges whatever, would be entirely paid off in much leſs than twenty years, almoſt inſenſibly.

How much the land would be improved by this draining and dividing is obvious; and I need loſe no time in attempting to prove that good dry ground is more valuable than mud and water. The moor is not what is uſually called bog or peat, a ſubſtance that no labour can ever fertiliſe, but only the common ſoil of the country, rendered of little value only by want of management. It was examined laſt year by Mr. Colliſon of Brackley, an eminent ſurveyor, and Mr. Davis of Lewkner, who was then employed in the Oddington encloſure. From their report it appeared that the ſoil varies much in different parts; that there are ſome ſpots worth not leſs than 35*s.* an acre, and others not half a crown; that, on an average, if it was drained and divided, and properly managed, the whole, one part with another, would be worth nearly a pound an acre; but taking it at a low price, might fairly be eſtima-

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ted at 18*s*. that if it was enclosed and divided, and the ground cultivated to the best advantage, a farther improvement of 5*s*. might be expected, and it would be worth 23*s*. an acre. As these gentlemen have been much conversant with inclosures they must be allowed to be good judges, and there is no reason to suppose they have qualitied the land too high.

Upon these principles let us now proceed to make some calculations of the probable profits which the proprietors may expect to receive.

For this purpose it will be necessary to endeavour to discover the present value of the Moor, and to compare it with an estimate of what it will be worth when improved.

The *present* value may be ascertained in the following manner.

The quantity of land having right of common on Otmoor is about 10,000 acres. That land, taking one part with another, cannot be let for more than one shilling an acre higher than if there was no such right of common annexed to it. Let us, however, suppose 1*s*. 6*d*. an acre, and say

	£.	s.	d.
A right of common belonging to 10,000 acres of land, at 1s. 6d. an acre, is — — —	750	0	0
There are about 240 cottages, which, perhaps, may let for about 5s. each, the more on account of the common — — — — —	60	0	0
Add 140 poor families, who make 10s. each by collecting cow-dung for fuel — — —	70	0	0
Lord Abingdon's profits, ſuppoſe — — —	20	0	0
Preſent annual value of Otmoor — — — —	900	0	0
Which is nearly about 4s. 9d. an acre. And the Fee Simple taken at 25 years purchaſe is — — —	22,500	0	0

Then for the *improved* value, in the firſt caſe of draining and *dividing* only.

Take the Moor at 4000 acres, deduct 200 for roads, drains, &c. and the remaining 3800 acres, at 18s. an acre, amount to — —	3420	0	0
Deduct the intereſt of the money borrowed —	262	10	0
Improved clear *annual* valu after draining and *dividing only* — — — — — —	3157	10	0
The improved Fee Simple of the Moor may be taken at 28 years purchaſe as the land-tax will be very low, which is — — — — —	95760	0	0
Deduct expences — — — — —	5250	0	0
Improved value of the *Fee Simple* in the firſt caſe	90,510	0	0

But many of the townſhips will probably wiſh to turn the land to the greateſt advantage, and agree to encloſe their allotment and divide it amongſt the inhabitants. In this caſe we may take it at 23s. an acre, and the value will increaſe accordingly. For

	£.	s.	£.	s.	d.
3800 acres at 23s. is — — — — —			4370	0	0
Deduct the intereſt of money borrowed for draining and dividing into townſhips — — — — — —	262	10			
To which muſt be added the expences of the ſubdiviſion, ſuppoſe 2150*l.* of which the intereſt is — —	107	10	370	0	0
Clear *annual* value of Otmoor if drained, divided, encloſed and properly managed — — —			4000	0	0
The Fee Simple at 28 years purchaſe is			122,360	0	0
Deduct the expences draining and dividing £5250, ſubdiviſion fences 2150			7,400	0	0
Clear value of the Fee Simple of Otmoor, if drained, divided and completely encloſed			114,960	0	0

I have made theſe calculations upon the value of the whole Moor, that the proprietors may ſee that it is an object deſerving their attention.

But, the improvement every eſtate in particular would receive may be pointed out in another, and, perhaps, more ſatisfactory manner. The rents of land that has common on Otmoor I have before ſtated at about £7000 a year. Let us now ſuppoſe the whole Moor to be divided amongſt the proprietors according to the pound rent, and ſee what their ſhares would amount to. The Moor contains 4000 acres, allow 500 for the allotments to Lord Abingdon, the poor, and for ground loſt in drains, &c. and there will remain 3500 acres to be divided amongſt the proprietors; which will amount to 500 acres for

for every £1000 a year, or ten acres to every £20 a year. Every man, therefore, who has an eſtate of £20 a year will have an allotment of ten acres of land, which, if made the beſt of, at the rate of 23s. an acre, will be worth eleven pounds ten ſhillings a year. Out of this he will have to pay one ſhilling in the pound *, that is, one pound a year; which, deducted from the value of his allotment, will leave juſt 10l. 10s. a year clear yearly profit on his eſtate of £20 a year; that is more than half, and ſo in proportion for any greater or leſs eſtate. If part of the money borrowed is to be diſcharged annually he will have ſomething more to pay; but then his eſtate will be quite clear in about 15 years.

The grounds upon which theſe calculations are founded cannot, I imagine, be reaſonably objected to. In eſtimating the expences, I have taken every article at the full extended value, and have, beſides, thrown in a good round ſum for unforeſeen contingencies. It is hardly poſſible they can amount to ſo much as they are laid at. With regard to the ſoil there is no reaſon to ſuppoſe the ſurveyors have valued it too high. Twenty-three ſhillings an acre is no great price for encloſed meadow land. But, even ſuppoſing ſome exaggeration, if it ſhould prove worth only twenty, fifteen, or ten ſhillings an acre, it would evidently anſwer extremely well to the proprietors to drain and encloſe. Becauſe, if the ex-

* I have before taken the whole of the expences of draining, dividing and making a *compleat encloſure* at 7,400*l.* the intereſt of which is 370*l.* and is nearly a ſhilling in the pound on the rents of the Otmoor towns.

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pences are defrayed in the manner I have propoſed, they would only amount, even in caſe of a compleat encloſure, to about one ſhilling in the pound; a tax on the proprietor ſo trifling that the improvement, whether great or ſmall, may be conſidered as little leſs than ſo much clear gain.

Beſides theſe immediate profits, draining and encloſing Otmoor would have many other good effects.

Draining Otmoor would be a benefit to the whole country. There are great quantities of low, wet land in its neighbourhood, which, if this great body of water was once let off, would be laid dry at a ſmall expence by a proper communication of drains. By this means many of the common fields of the Otmoor towns would be much improved. Such an extent of ſtagnant water too muſt fill the air with noxious vapours, and make the adjoining towns extremely unhealthy.

Several of the townſhips conſiſt almoſt entirely of open field land, and have ſo little graſs that the inhabitants are obliged to rent cloſes in other pariſhes. To theſe places in particular it would be extremely convenient to encloſe their ſhare of Otmoor, and ſuch a large portion of paſture and meadow ground would be a moſt deſirable addition.

Wherever an encloſure of an allotment took place the clergyman, or whoever had the vicarage, would be much benefited, as it is uſual to allot a ninth part to them in lieu of the tithe of commons.

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By the great addition of property from theſe improvements *the poors rates and other taxes would be greatly leſſened.* This aſſertion will be beſt explained by an example. If in a certain townſhip the rents of the farms amount to 600*l.* out of which 70*l.* is raiſed yearly for the relief of the poor, this is 2*s.* 4*d.* in the pound. According to the foregoing calculations, to a townſhip of that value a ſhare of the Moor would be allotted worth 300*l.* a year, and the value of that hamlet would be increaſed to 900*l.* Now, if it ſhould be then neceſſary to raiſe the ſum of 70*l.* it would be aſſeſſed on 900*l.* and conſequently the rate of taxation leſſened from 2*s.* 4*d.* in the pound to about 1*s.* 6*d.* And the ſame will hold good as to the land-tax and all other parochial and parliamentary taxes.

The burden of the poor will be likewiſe much lightened. The acre of ground allotted to each cottage houſe, if managed with œconomy and good huſbandry, will go a great way towards the ſupport of a poor family, and many labourers will find employment in the care and cultivation of the new incloſed ground, and the maintenance of the drains and fences.

I never yet heard any objections urged againſt improving Otmoor, which had even the ſmalleſt ſhare of plauſibility. The farmers and landholders, and the country in general, have long wiſhed it. Some clamours were, indeed, raiſed laſt year, but, on minute enquiry, I do not find that any perſons of character, or who had much right on the Moor, were

were concerned. Some of the poor, indeed, were alarmed, as they well might be, with a notion that, in caſe of an encloſure, their commons would be taken from them, and this fear was firſt raiſed and kept up by the arts of the higlers and other ſelf-intereſted, troubleſome, and deſigning perſons. At any rate, as they did not know what was intended, or what plan propoſed, their oppoſition could have no real foundation: they were fighting a ſhadow in the dark. But I imagine that by the allotment here propoſed the cottagers will have reaſon to be ſatisfied. It is certainly more than an equivalent for their rights.

As ſome people ſeem to think that encloſing would be an injury to the poor, it may not be improper to conſider what their juſt claims at preſent are.

Otmoor is what is uſually called a common without ſtint; but though, where this is the caſe, every man aſſumes a liberty of ſtocking as he pleaſes, yet his *right* is in reality *limited* by the quantity of land to which it is annexed. In *ſtrict juſtice* he is intitled to turn no more cattle on the common than are ſufficient to manure and ſtock his land; though the exact proportion of every commoner's right, according to this rule, never having been aſcertained, the common is conſidered, erroneouſly, as being without limitation. Hence it is evident how very ſmall a portion of the ~~poor~~ moor in reality belongs to the cottage houſes, as they have little or no land at all.

Nor

Nor is this reſtriction of the rights of the commoners, even where a common is without ſtint, imaginary. It is ſo ſettled by the laws of the land, and they have pointed out a method to enforce its obſervance. What I allude to is a *Writ of Admeaſurement of Paſture*, which every man, who has a right of common, and thinks himſelf injured by its being overſtocked, is intitled to bring. This writ iſſues out of the Court of Chancery, and is directed to the ſheriff of the county, who immediately on receiving it, is obliged to have the common in queſtion meaſured, and likewiſe the eſtates of all perſons who claim a right upon it. He then ſummons a jury, who are to declare, on their oaths, what ſtock every man's land is capable of maintaining, and a rule is then made, accordingly, to ſettle how many cattle each commoner is intitled to feed; which are no more than what are ſufficient to manure and ſtock the land to which his right of common is annexed. If, after this, the ſame perſon ſurcharges the common again, all the cattle he puts in, beyond his allowance, are forfeited to the king, and he is, beſides, liable to pay damages to the plaintiff.

Should this writ be ſued out, all oppoſition would be vain. The meaneſt perſon who has a right of common is intitled to bring it, if he pleaſes; and, if the lord of the manor, and every other commoner, ſhould unite againſt him, they could not prevent its going forward. The Lord Chancellor *dares not* refuſe to grant it, the ſheriff *dares not* neglect carrying it into execution; becauſe it is a writ of common

mon right, confirmed by ſeveral acts of parliament, and grounded on that glorious principle of our happy conſtitution, that every man is intitled to a remedy if his juſt rights are infringed.

If theſe propoſals ſhould not meet with the approbation of the proprietors, and no plan, for draining and dividing, ſhould be adopted, as the abuſes that prevail with regard to the manner of ſtocking are riſen to a great height, ſome perſons may, perhaps, be induced to have recourſe to this certain but ſevere remedy: But I hope there will be no occaſion for this powerful engine to be ſet in motion; for though it would effectually anſwer the purpoſe of putting an end to many bad practices, it would confine all the commoners within their juſt bounds, and apportion the profits in a more equitable manner than at preſent; yet, as the land itſelf would not be either drained, or otherwiſe improved, its intrinſic value would not be increaſed. To the poor it would be particularly hurtful, as, under theſe proceedings, their allowance would be ſmall indeed.

On the other hand, the allotment here propoſed muſt be acknowledged to be ſufficiently ample. The actual benefit which the cottagers enjoy from keeping geeſe and collecting fuel *in general* is but ſmall. This *branch of commerce* is chiefly *monopolized* by one or two higlers in every town, who keep flocks of five or ſix hundred geeſe, and employ people to pick up the cow-dung at the proper ſeaſon, which they afterwards ſell to their leſs induſtrious neighbours; whilſt the reſt of the poor people

make little or nothing from the common, and are as ragged and pennyleſs, and the rates amount as high in the Otmoor towns, as in moſt other places.

God forbid that any man ſhould wiſh to oppreſs the poor, or to deprive them of the ſmalleſt advantage. I declare ſolemnly, for my part, ſo far from having any deſign to injure them, I would do all in my power to render their ſituation more comfortable; and, were I convinced that the allotment here aſſigned, is not more than a ſufficient compenſation for the benefit they now reap from the common, I would be the firſt to propoſe their having double or treble that allowance. But to let four thouſand acres of good land lie barren and deſolate, for about a dozen old women to pick up a ſcanty livelihood from cow-dung and goſlings, is too great an abſurdity to be ſeriouſly ſupported; eſpecially when by improving and making the moſt of the ground, theſe very perſons might be benefitted in proportion.

Thus I have endeavoured to lay before you, as ſhortly as I could, the little value of Otmoor, in its preſent ſtate, and the improvement of which it is capable. The poſſibility, and the expence, of draining, by Mr. Weſton's eſtimate, are reduced to a certainty: the quality of the ſoil is aſcertained from the ſurvey of men whoſe judgement cannot be doubted. If their opinion be well founded, and there is no reaſon to believe it is not, this boggy common, which is now a nuiſance to the whole neighbourhood, may be converted into good meadow land, worth upwards of an *hundred thouſand pounds*, and produc-

ing

ing a clear income of *four thouſand pounds* a year. But even ſuppoſing the value of the land to be a little exaggerated, the advantages of draining and encloſing would be ſufficiently great; and, in any caſe, the landholders muſt be deficient in common ſenſe, and totally inattentive to their own intereſts, if they permit the moor to continue a moment longer in its preſent ſtate.

With regard to the plan and propoſals here offered, I do not mean to dictate to the proprietors, or preſcribe the terms upon which an encloſure ſhall take place. I wiſh them to be conſidered merely as firſt hints juſt thrown out for their contemplation: wiſer heads than my own will probably ſuggeſt others that are preferable. They are the beſt and moſt equitable I can at preſent imagine; but I am very ready to adopt any others that ſhall meet with general approbation.

If the principal part of the proprietors ſhould conſent to have the moor drained and encloſed, there will be ſufficient time in the courſe of the enſuing ſummer, to fix on ſuch plans as ſhall be thought the leaſt expenſive and moſt effectual, and to ſettle the terms and all other preliminaries; and a petition may be preſented to the houſe of commons, for leave to bring in a bill, in the next ſeſſion of parliament.

Studley,
May 1, 1787.